

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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MAY 28 1993

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

)  
Replacement of Part 90 by Part 88 )  
to Revise the Private Land Mobile )  
Radio Services and Modify the )  
Policies Governing Them )

PR Docket No. 92-235

To: The Commission

**INITIAL COMMENTS OF COMMUNICATIONS SALES AND SERVICE**

Communications Sales and Service, Inc. (CSSI), by its attorney, hereby files comments in the referenced rule making proceeding.<sup>1</sup> In support whereof, the following is respectfully submitted:

1) On May 21, 1993 CSSI filed a Motion for Declaratory Ruling and Comments in Support of AACCS's Motion for Declaratory Ruling with the Chief, Private Radio Bureau. In summary, the Motion seeks a ruling that 152.48 MHz private carrier paging channel is fully loaded in the Dallas-Ft. Worth metropolitan statistical area and that no new entities may be licensed on that channel.

2) In as much as the captioned rule making proceeding concerns Part 90 channel utilization, the Commission might want to consider CSSI's request in the context of that omnibus rule making. A complete copy of the May 21, 1993 Motion is attached hereto for the Commission's consideration.<sup>2</sup>

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<sup>1</sup> The comment period was extended to May 28, 1993 by the Order Extending Comment and Reply Comment Periods, DA 93-145, released February 9, 1993.

<sup>2</sup> CSSI would prefer to receive a ruling on its request for declaratory ruling rather than become involved in the omnibus rule making proceeding. However, CSSI was concerned that the Commission would consider CSSI's Motion a matter which should be considered in the rule (continued...)

Respectfully submitted,  
COMMUNICATIONS SALES AND  
SERVICE, INC.

  
\_\_\_\_\_  
Timothy/E. Welch

Dean George Hill & Welch  
Suite #113  
1330 New Hampshire Ave., N.W.  
Washington, D.C. 20036  
(202) 775-0070  
May 28, 1993

Its Attorney

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<sup>2</sup>(...continued)

making and the instant Comments are submitted out of an  
abundance of caution.

Office

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MOTION FOR DECLARATORY RULING AND COMMENTS IN  
SUPPORT OF AACS'S MOTION FOR DECLARATORY RULING

1. CSSI is licensed to operate various private carrier paging stations on 152.48 MHz in and around the Dallas/Ft. Worth metropolitan statistical area.<sup>1</sup> CSSI estimates that it has more than \$1 million invested in its private carrier paging stations operating on 152.480 MHz located at approximately 16 sites.

A partial listing of CSSI's licensed facilities on 152.480 MHz include WNKR251, WNSZ396, WNKR252, WNLL619, WJZ959, and WNRR274.


2. CSSI, Inc. supports the position which AACS Communications, Inc., put forth in its Motion for Declaratory Ruling filed on or about April 6, 1993. AACS' position is that because frequency 157.740 MHz is currently being used to capacity during daily business hours, any new usage would interfere with service provided to existing users. AACS seeks a declaratory ruling that channel 157.740 MHz has reached capacity and that no further applications to use that frequency should be accepted.

3. Paragraph 10 of AACS' motion stated that the identical situation exists for the frequency 152.480 MHz. This conclusion was based on the attached air time usage study prepared by Raymond

market area. NABER should be directed that non-licensee applications are to be placed on the least loaded available channel. If no channel is available, NABER should create a waiting list.<sup>3</sup> CSSI is willing to provide NABER with required loading data/studies to show the loading on 152.480 MHz. CSSI is reasonably certain that other, current licensees of private carrier stations would be equally willing to supply the necessary loading data to NABER so that NABER may know which frequencies are available.

WHEREFORE, in view of the information presented above, CSSI respectfully requests the Commission to declare the frequency 152.48 MHz in the Dallas area filled to capacity and unable to support usage by new licensees.

Respectfully submitted,  
CSSI, Inc.

  
Timothy E. Welch

Dean George Hill & Welch  
Suite #113  
1330 New Hampshire Ave., N.W.  
Washington, D.C. 20036  
(202) 775-0070  
May 21, 1993

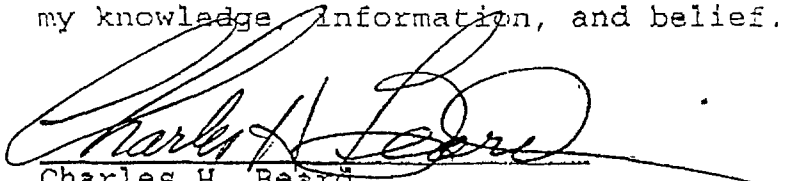
Its Attorney

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<sup>3</sup> Currently NABER's appellation of "frequency coordinator" is a misnomer insofar as 152.480 MHz is concerned. Because the channel is not exclusive, there is no coordination among licensees required. However, NABER collects a heavy "frequency coordination" fee even though it merely acts as a middleman which forwards properly completed applications to the Commission.

CERTIFICATION

I hereby certify under penalties of perjury that I have this 21st day of May 1993 reviewed the foregoing Motion for Declaratory Ruling and Comments in Support of Motion for Declaratory Ruling and that the statements contained therein, except for those about which official notice may be taken, are true and correct to the best of my knowledge, information, and belief.

  
Charles H. Beard  
President,  
CSSI, Inc.

[ The original signature authorization  
will be filed upon receipt in our office.]

% AIRTIME USAGE DFW AREA  
10 AM to 2 PM - March 8, 1993

